

**IOWA BOARD OF MEDICINE  
REGULARLY SCHEDULED MEETING: October 27-28, 2016**

**A G E N D A**<sup>1, 2, 3, 4, 5</sup>

**BOARD MEMBERS:** Diane Clark, Chair; Ronald Cheney, D.O., Vice Chair; Kyle Ulveling, M.D., Secretary; Diane Cortese; Nicole Gilg Gachiani, M.D.; Ronald Kolegraff, M.D.; KellyAnn Light-McGroary, M.D.; Mary Jo Romano; Hamed Tewfik, M.D.; Charles Wadle, D.O.

**THURSDAY, OCTOBER 27, 2016**

7:30 a.m.                    **EXECUTIVE COMMITTEE – Medical Conference Room B**  
Chair Clark, Cheney, Cortese, Tewfik, Ulveling

8:00 a.m.                    **SCREENING COMMITTEE – Board Room**  
Chair Wadle, Gilg Gachiani, Kolegraff, Light-McGroary, Romano

9:00 a.m.                    **MONITORING COMMITTEE – Board Room**  
Chair Cheney, Cortese, Gilg Gachiani, Kolegraff, Wadle

9:00 a.m.                    **LICENSURE COMMITTEE - Medical Conference Room B**  
Chair Tewfik, Clark, Light-McGroary, Romano, Ulveling

**BOARD – OPEN SESSION - Board Room**  
Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano,  
Tewfik, Ulveling, Wadle

- A. Chair will call the meeting to order, and ask the executive director for a roll call of Board members to establish a quorum . The chair will acknowledge the absence of any member.**
- B. Chair will call for a motion & second to meet in Closed Session pursuant to Iowa Code section 21.5(1) “a,” “d,” and “f” for the purposes of reviewing investigative reports and other investigative material and discussing whether to initiate licensee disciplinary investigations or proceedings. Roll call vote required. Those in favor say “aye,” and those opposed say “no.” Two-thirds of the members present must approve the motion.**

**BOARD – CLOSED SESSION - Board Room**  
Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano,  
Tewfik, Ulveling, Wadle

**A. Iowa Physician Health Committee**

1. Notices of non-compliance
- B. Committee Reports
  1. Screening
  2. Monitoring
  3. Licensure
- C. Review of Closed Minutes
  1. September 15-16, 2016
  2. September 30, 2016 – teleconference

## **LUNCH BREAK**

### **BOARD – CLOSED SESSION - Board Room**

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

### **BOARD – OPEN SESSION - Board Room**

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

- A. Unlicensed Practice of Medicine Cases
- B. Vote on Closed Session Cases

### **BOARD - ADJOURN**

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

**A. Chair will call for a motion & second to adjourn the meeting until 8 a.m. Friday, October 28, 2016. Voice vote required. Those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.**

## **FRIDAY, OCTOBER 28, 2016**

8:00 a.m.

### **BOARD – OPEN SESSION - Board Room**

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

**A. Chair will call for a motion & second to meet in Closed Session pursuant to Iowa Code section 21.5(1) “a,” “d,” and “f” for the purposes of reviewing investigative reports and other investigative material and discussing whether to initiate licensee disciplinary investigations or proceedings. Roll call vote required. Those in favor say “aye,” and those opposed say “no.” Two-thirds of the members present must approve the motion.**

### **BOARD – CLOSED SESSION – Board Room**

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

### **BOARD – OPEN SESSION - Board Room**

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

**A. Vote on closed session cases**

9:00 a.m.

**BOARD – OPEN SESSION – Board Room**

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

**A. Chair will call the meeting to order, and ask the executive director for a roll call of Board members to establish a quorum . The chair will acknowledge the absence of any member.**

**B. Introductions of Public Present**

**C. Opportunity for Public Comments<sup>5</sup>**

*(Public can make comments now or when specific agenda items are addressed.)*

**D. Board Minutes for Consideration of Approval**

- 1. August 11, 2016 teleconference - open minutes**
- 2. September 15-16, 2016 - open and closed minutes**
- 3. September 30, 2016 teleconference - open and closed minutes**

**E. Chair's Report**

**F. Executive Director's Report**

**G. Annual review of the Board's fees - Shantel Billington, financial/office manager**

**H. Administrative Rules**

- 1. Effective October 19, 2016 - ARC2705C.** This rulemaking amends 653 IAC Chapter 13 to update the list of board-recommended resources for chronic pain management, including the new CDC guideline on opioid prescribing. *(Press release issued August 29, 2016, about the new resource for prescribers.)*
- 2. Effective October 19, 2016 - ARC2706.** This amendment to 653 IAC Chapter 25 addresses an outdated description of the composition of a board panel that hears contested case proceeding. The amendment was adopted and became effective October 19, 2016. *(Board will review hearing panel assignments under Item Q of today's agenda.)*

**I. Acupuncture**

- 1. Dry needling declaratory order upheld.** District Court denies petition for judicial review filed by the Iowa Association of Oriental Medicine and Acupuncture. The association sought review after it was unsuccessful in getting the Board of Physical & Occupational Therapy to declare that dry needling was

acupuncture. District Court concludes that Iowa physical therapists are authorized by law to perform dry needling.

## **2. Re-notice amendments for 653 IAC Chapter 17.**

**J. Bureau of Health Statistics update on electronic death registration system - Melissa Bird, Bureau Chief, and Jenny Evans, Project Manager**

**K. Report from subcommittee on study of an administrative rule to prohibit sexual orientation change efforts on patients under age 18 - Ronald Cheney, D.O., chair**

**L. Report from subcommittee working with a similar subcommittee of the Board of Psychology to write joint rules to implement legislation authorizing certain psychologists to prescribe psychotropic medicines - Charles Wadle, D.O., chair**

**M. Update on the status of the Board of Physician Assistants to adopt an indential rule to 653 IAC 21.4 - Specific Minimum Standards for Appropriate Supervision of a Physician Assistant - Kent Nebel, Director of Legal Affairs**

**N. Interstate Medical Licensure Compact update**

**O. 2017 legislation**

**P. Judicial Review update - Julie Bussanmas, Assistant Attorney General**

1. **Rabi v. BOM (# 2) (challenging contested case decision)** – Brief has been filed on Board’s behalf asking the court to affirm the Board’s decision. Oral argument was held on July 14, 2016. Decision issued affirming the Board’s discipline decision.
2. **Rabi v. BOM (Iowa Supreme Court)** – Rabi filed a notice of appeal challenging the District Court decision listed in No. 1 above.
3. **Risk v. BOM (challenging Board’s denial of his request for rehearing)**–Supreme Court appeal challenging the district court’s order affirming Board’s order. Case has been fully briefed and we are awaiting notice of oral argument.
4. **Fleming v. BOM, No. 14-0975** – The Court of Appeals issued a decision affirming the Board’s discipline of Dr. Fleming. He has filed a request for rehearing. Awaiting Court’s ruling. Denied. Fleming filed a case in U.S. Court in the Northern District of Iowa which was dismissed. He has appealed that decision to the Eighth Circuit U.S. Court of Appeals.

**Q. Board Member Education: Board members' participation on contested case hearing panels - Kent Nebel, Director of Legal Affairs.**

- How hearing dates are determined
- Reserved hearing date schedule
- Alternates only involved if a quorum of the Board is not available
- Composition of a hearing panel (*see item H "2" of today's agenda.*)

**R. Federation of State Medical Boards**

**S. Iowa Physician Health Committee/Program Update - Amy Van Maanen, Program Coordinator**

1. Year to date statistics
2. Committee recommendation for reappointments of Ray Harre, M.D., and Sasha Khosravi, D.O.

**T. Correspondence, reports & articles**

1. *1 in 2 Physicians Demoralized - HealthLeaders Media News, September 21, 2016.*
2. Physicians Foundation Survey & Graphic
3. *Doctors beat online symptom checkers in diagnosis contest, Reuters Health, October 12, 2016*
4. *Physician Burnout Can Be Reduced by Targeted Interventions, Medscape Medical News, October 11, 2016*

**U. Committee Reports**

3. Licensure
4. Monitoring
5. Screening

**BOARD – CLOSED SESSION - Board Room**

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

**A. Chair will call for a motion & second to meet in Closed Session pursuant to Iowa Code section 21.5(1) "a," "d," and "f" for the purposes of reviewing investigative reports and other investigative material and discussing whether to initiate licensee disciplinary investigations or proceedings. Roll call vote required. Those in favor say "aye," and those opposed say "no." Two-thirds of the members present must approve the motion.**

**LUNCH BREAK**

**BOARD – CLOSED SESSION – Board Room**

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

**BOARD – OPEN SESSION - Board Room**

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

## **A. Vote on Closed Session Cases**

### **ADJOURN**

**A. Chair will call for a motion & second to adjourn the meeting until 8 a.m. Friday, October 28, 2016. Voice vote required. Those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.**

*(1) The confidential matters listed on the agenda may concern medical records on the condition, diagnosis, care or treatment of a patient or investigation reports and other investigative information which are privileged and confidential under the provisions of Sections 22.7(2) and 272C.6(4), of the 2015 Code of Iowa. These matters constitute a sufficient basis for the Board to consider a closed session under the provisions of Section 21.5(1)(a), (c), (d), (f) and (g) of the 2015 Code of Iowa. These sections provide that a governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body if all present, or all of the members present if not all members are present at the meeting to review or discuss records which are required or authorized by state or federal law to be kept confidential, to discuss whether to initiate licensee disciplinary investigations or proceedings and to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.*

*(2) Hearings may be closed at the discretion of the licensee, according to Section 272C.6(1) of the Code of Iowa 2015.*

*(3) Public agenda materials are available via e-mail. Contact: [ibm@iowa.gov](mailto:ibm@iowa.gov)*

*(4) The Board may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting.*

*(5) At this time, members of the audience may address the Board for a period not to exceed 5 minutes. The Board reserves the right to reduce this time based on the number wishing to speak. If a member of the public wishes to address the Board with the intention of getting a Board decision at the meeting, the individual should request permission to be on the Board agenda. Written requests are due in the Board office at least 14 days in advance of the meeting.*

#### **The Board's scheduled meetings for the remainder of 2016:**

- **Thursday, November 10 (teleconference)**
- **Thursday and Friday, December 15-16**

#### **The Board's office closing for the remainder of 2016:**

- **Friday, November 11 (Veterans Day)**
- **Thursday and Friday, November 24-25 (Thanksgiving)**
- **Monday, December 26 (Christmas observed)**

*If you require the assistance of auxiliary aids or services to participate in/or attend the meeting because of a disability, please call our ADA Coordinator at (515) 281-5604. If you are hearing impaired, call Relay IA TTY at 1-800-735-2942.*